

IDENTIFYING PROTECTED GROUPS

Some individuals who used to receive SSI may still qualify for continued Medicaid eligibility under a protected eligibility group. They may continue to receive Medicaid without a spenddown even though their income may exceed the poverty level or BMS. The reason they lost their SSI determines which program, if any they might be eligible for. Whenever a person loses SSI, determine if they meet one of the following protected groups. You will need to know the last month of SSI eligibility and why it terminated.

DISABLED ADULT CHILDREN (DAC) 331

Reason: The individual become eligible for or received an increase in SSA, Railroad Retirement, or Black Lung "Child's Insurance" benefits as a Disabled Adult Child.

Child's insurance is typically only paid to minor children when a parent either dies or becomes eligible for SSA due to retirement or disability. These payments will stop at age 18 unless the child is disabled, in which case payments can continue. If the child becomes before age 22, payments can begin when a parent retires becomes disabled, or dies. Social Security will pay child's benefits to an adult who was disabled before age 22 whether they received these payments as a minor child or not.

How To Identify a DAC

1. Is the person age 18 or older? **9** Yes **9** No
If no, do not continue, the person is not a DAC. If yes, continue to Step 2.
2. Is the person receiving SSA under a parent or grandparent's claim? The claim number will be the parent's or grandparent's Social Security number with a "C" at the end. **9** Yes **9** No
If there is a C in the claim number, continue to Step 3; otherwise, the person is not a DAC.
3. Did the person's disability begin prior to age 22? **9** Yes **9** No
If yes, continue to step 4; otherwise, the person is not a DAC.
4. Did the person receive SSI and lose the payment after July 1, 1987? . . . **9** Yes **9** No
If yes, complete the DAC worksheet on the back of this page.

Income Test for DAC

DAC Benefit \$ _____

Do not count this amount in the calculations. If the person receives other Title II benefits count them as other income.

Other unearned income \$ _____

\$ _____

Total other unearned income \$ _____

Subtract general disregard - \$20.00

Do not subtract disregard from VA needs-based income.

Net Unearned Income \$ _____

Gross earned income \$ _____

Subtract \$65 - \$65.00

\$ _____

Divide by 2 \$ _____

Net Earned Income \$ _____

Total net Unearned and Earned Income \$ _____

Do NOT include the DAC payment

If the total income is equal to or less than the current SSI benefit rate, the person is eligible as a DAC. Enter an 'A' coverage code on SEPA. If the income is greater than the SSI rate, the person is not eligible as a DAC but may qualify under a regular Medicaid program.

1619 A & B 332

Reason: The individual's own earned income, plus any unearned income, exceeds the allowable SSI limit.

Only Social Security can verify that someone is considered a 1619 eligible person. However, there are clues that may help us identify these individuals.

1619A

Someone in this status still receives SSI payments even though monthly gross earned incomes exceeds the SGA level. Disability for SSI continues until the person's medical condition improves. PACMIS will enter an I coverage code on SEPA when the SSI payment is posted on UNIN.

1619B

A person in this status used to receive SSI but the payment has stopped because his/her earned income is too high. (Other income must not exceed the SSI rate plus \$20.00). When a person's earned income causes the SSI to stop, assume that the person will be 1619B. The SDX screen will show earned income as the reason for the reduction or termination of SSI payments. There is also a field on the SDX called the 1619b Indicator. This field will have a 'y' for yes in it when certain codes are present in the SSA file. It is not a guarantee that the person is 1619B eligible. If you are uncertain about a person's eligibility after reviewing all available information, send a FAX inquiry to SSA to have them determine the eligibility for 1619B. Enter an "S" in the coverage code on SEPA.

Changes

1. Marriage-If a person marries, contact SSA to see if the status has changed. If no change is made by SSA, continue eligibility under the 'S' coverage code. If the status changes, review eligibility under regular DM or other Medicaid program.
2. Other Income- If a person receives other income that exceeds the SSI rate, the person is not 1619B unless they have a PASS plan that disregards certain income. If the total income after disregards exceeds the 1619B limit, the person may lose their protected status. Contact SSA to see if the person still meets the status requirements. If the person is married,
3. Disability - Disability for both A and B will be reviewed by Social Security, do not ask for a disability review from the Review Board. If SSA determines the person is no longer disabled, redetermine eligibility under other available programs.

Reason: Change in the requirements for SSA disability.

On August 22, 1996 the definition for disability changed for children. As a result some children receiving SSI had their disability status reviewed and were subsequently terminated from SSI because they did not meet the new criteria. The Balanced Budget Act (Aug 97) provided protection for these children allowing them to continue to receive Medicaid even though they no longer receive SSI.

Once a child is determined a K-kid, do not close their Medicaid case or take them off the coverage group without checking with the state program specialist. If the child turns 18, moves out of state, cannot be located, dies or begins to receive SSI again; take appropriate action without contacting the specialist.

To be eligible for this protected status, the child must meet the following:

1. The child was receiving SSI on Aug 22, 1996 or had received approval by that date and the termination of SSI occurred between July 1, 1997 and Feb 28, 1998.

Appeal Status– If the child appealed SSA's decision the SSI may continue. If it does, use the 'I' coverage code on SEPA. If the SSI does not continue, continue with the 'K' code. If the appeal is denied, DO NOT CLOSE Medicaid, continue the Medicaid with the 'K' code.

New Applicants- Children not open on Medicaid who meet this criteria, can apply for this protected group. Workers may need to contact SSA for the determination.

2. The child would continue to be eligible if the definition of disability had not changed. Other factors of SSI termination do not include the child in the protected group.

3. The child is under age 18. When a K-kid turns 18, determine eligibility under regular DM and initiate a disability review within 30 days. If the review is approved, continue under DM. If the review is denied 'not disabled', look at eligibility under other Medicaid programs.

Income Requirements

To continue to receive 'protected status' the child must continue to meet current SSI income and resource criteria and the disability criteria prior to August 1996. An annual review of the household's income and assets must be done to determine eligibility. Follow the worksheet on the reverse side of this page to determine income. If a parent or sibling receives SSI, the child is income eligible.

Disability Requirements

The child's disability must be reviewed by the State MRB. The committee will use the pre-Aug 1996 criteria. When the review is due, send the forms to the family to have the health professional complete. Send a notice to the family telling them that a new disability review must be done. (ALDR) Do not delay or suspend eligibility while waiting to complete the review. If the client fails to complete the review packet within 30 days and has not made contact to request more time, send a reminder that they must call within 10 days. If the client does not respond, close the case using the 10 day rule. Look at eligibility under all Medicaid programs. If the packet is completed, send it to the MRB clearly indicating that this is a PROTECTED K-KID. The MRB will indicate when the next review is required.

Income Test for K-Kids

Calculation to Determine Parents' Deemed Income

1. Parent's Unearned Income \$ _____
2. Subtract allocation for ineligible children

	Child 1	Child 2	Child 3	Child 4	Child 5	Child 6
Maximum Allocation for Children						
Subtract Child's Income						
Balance-add across						

Remaining Unearned Income - _____ A

3. Parent's Earned Income \$ _____
- Subtract unused portion of allocation for ineligible children - _____

Remaining Earned Income = _____ B

Unearned Income (A)		Earned Income (B)	
Subtract general disregard	\$20.00	Subtract balance of general disregard	
Subtract child support/alimony paid		Subtract balance of child support/alimony	
Countable Unearned Income	C	Remainder	
		Subtract Earned Income Deduction	
		Remainder	
		Divide by 2; enter remainder	D

Add Countable Unearned Income (C) \$ _____

Add Countable Earned Income (D) + \$ _____

Total Countable Income = \$ _____

Subtract Parental Allocation for number of parents (from Table II) - \$ _____

Deemable Income = \$ _____ E

Income Test to Compare Child's Countable Income to SSI Level

1. Add child's unearned income to Deemed Income from Parents (E) \$ _____
2. Subtract general disregard Income - \$ 20.00
3. Countable unearned income = \$ _____ F
4. Child's earned income \$ _____
5. Less disregard - \$ 65.00
6. Divide by 2, enter remainder \$ _____ G
7. Add F & G = \$ _____
8. Compare to SSI rate for 1 \$ _____

If line 7 is equal to or less than line 8, the child passes the income test. If line 8 is greater, the child is not eligible under K Kid category.

Reason: The individual began receiving SSA benefits or their SSA benefits increased causing their income to exceed the SSI limit.

These are individuals who received SSI and SSA concurrently and then lost their SSI because of eligibility for or an increase in SSA benefits. Concurrently could mean they received SSI in one month and SSA in the next. The person must also pass an income test that backs out COLA increases from the Title II income received since SSI stopped. A potential Pickle Person may not actually pass the income test for many years. Anyone who is a potential Pickle Person should have the income test completed each year after the COLA's are put into effect.

How To Identify Potential Pickle People

1. Is the person currently receiving an SSA benefit? **9** Yes **9** No
If yes, continue; if no, they do not qualify under this group.
2. Was the person eligible for SSI in at least one month after April 1977? . **9** Yes **9** No
If yes, continue; if no, they do not qualify under this group.
3. Was the person entitled to receive concurrent benefits in at least one month?
Concurrent eligibility does not necessarily mean the payments are in the same month. SSA could come the month following the termination of SSI. **9** Yes **9** No
If yes, continue; if no, they do not qualify under this group.
4. Did the person lose SSI after April 1977? **9** Yes **9** No

If the answer is yes to all of these questions, enter the month and year of the person's last SSI payment on the PICK screen. Press enter to have PACMIS determine eligibility on the PIED screen. If the person passes the income test, PACMIS will place a "P" in the coverage code on SEPA. If the person does not pass the income test, determine eligibility for other programs. DO NOT SET the "P" on PACMIS. Set an alert to redo the income test when the next COLA increase becomes effective.

Use regular asset rules and program types.

Widows and Widowers 337

Reason: The individual began receiving SSA widow/widower benefits or had an increase in the benefits that exceeded the SSI limit.

Social Security provides survivor's benefits to certain individuals who become widowed before reaching retirement age. Those who meet the requirements can receive payments under the benefit record of their deceased spouse. They may also be able to receive benefits when the ex-spouse dies. A widow or widower age 50 but not 60 who is disabled may be able to receive widow/widower benefits. If not disabled, the widow/widower must be age 60 to receive benefits (Early Widow/Widower Benefits). The benefits may also be paid under Railroad Retirement.

The person could be between 50 and 60 or between 60 and 65. Because the person was receiving SSI and is not yet 65 and is receiving Widow/Widower benefits, they may belong to this protected group. The person may be entitled for a SSA benefit under their own claim number as well as a spouse's record. This is known as a dual entitlement. The records on BDX will indicate that there is a dual entitlement. There are 2 groups under the Widows/Widowers protected status.

Identifying Group 1

These people have been identified by SSA and a list is maintained by the policy specialist. All potential clients have been identified and contacted. This group cannot increase. If someone moves to Utah and identifies themselves as part of this group, contact the policy specialist.

Identifying Group 2

These people used to receive SSI and have become eligible for SSA Widows/Widowers Benefits. When the amount of SSA is more than the SSI limit, the SSI will terminate. The BDX screen should show the person is receiving a widow/widowers benefit and the claim number should be the spouse's with a 'D' or 'W' code at the end. Watch for dual entitlements. A person may be eligible under their own claim number as well as under their spouse's claim number. The 'D' or 'W' will show on the dual entitlement BDX not on their own.

1. Is the person between 50 and 64 years of age? **9** Yes **9** No
If yes, continue, if no stop here.
2. Does the SSA claim number end in a D or W? **9** Yes **9** No
If yes, continue, if no stop here.
3. Is the person eligible for Medicare Part A? **9** Yes **9** No
If yes, stop; if no continue.
4. Did the person receive SSI the month before SSA began? **9** Yes **9** No
If yes, complete the income calculation on the back of this page.

Group 2 Income Test

- | | | |
|-----|--|----------|
| 1. | Unearned Income | \$ _____ |
| 2. | SSA/Railroad Widow/Widower Income | \$ _____ |
| 3. | Remainder (Line 1 minus Line2) | \$ _____ |
| 4. | General Income Exclusion | -\$20.00 |
| 5. | Remaining Unearned Income | \$ _____ |
| 6. | Earned Income | \$ _____ |
| 7. | Earned Income Deduction | -\$65.00 |
| 8. | Line 6-Line 7 | \$ _____ |
| 9. | Countable earnings (Divide line 8 in 1/2) | \$ _____ |
| 10. | Countable Income (Line 5 + Line 9) | \$ _____ |
| 11. | One Person SSI Rate | \$ _____ |
| 12. | If the amount on Line 10 is greater than Line 11, the client is not eligible for this protected group. Look at eligibility under a regular Medicaid program. | |

Protected Alien SSI Recipients 335

Reason: change in policy regarding citizenship and qualified alien rules.

The Balanced Budget Act of 1997 provides for Medicaid protection to certain aliens who did not meet the additional alien status requirements enacted in 1996. These aliens are easy to identify because they continue to receive SSI and include the following individuals:

1. Aliens who were lawfully residing in the US and receiving SSI on Aug 22, 1996. Their SSI payments will continue as long as they continue to meet all other SSI criteria.
2. Aliens who are receiving SSI on the basis of applications filed before January 1, 1979 and for whom SSA lacks evidence that they are not qualified aliens.
3. Aliens who were lawfully residing in the US on Aug 22, 1996 who become disabled or blind can apply for and receive SSI without meeting the additional requirements.
4. Aliens who do not meet the requirements in 1 or 2 above will continue to receive SSI as long as they continue to meet the other SSI requirements. These people are generally referred to as PRUCOL.

You do not need to verify citizenship of these people. If they receive SSI, they meet the requirement. Document on CAAL.